

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,	:	
	:	HON. ROBERT B. KUGLER
Plaintiff(s),	:	
	:	
v.	:	Criminal No. 05-144(RBK)
	:	
MARK JULIANO,	:	
Defendant(s).	:	

OPINION

Defendant Mark Juliano brings this Motion for an Order terminating his supervised release or in the alternative transfer his supervision to California. For the reasons expressed below, the Motion is **denied**.

After pleading guilty to mail fraud, the court sentenced Mr. Juliano to a term of fifty (50) months custody followed by three (3) years of supervised release. He successfully completed his prison term and commenced supervised release on April 13, 2009.

He was convicted of mail fraud. Essentially, while working for a mortgage broker he stole checks payable to his employer. He had been using his brother's name at the time, undoubtedly because of his extensive criminal record which includes convictions for drugs, thefts and armed bank robbery. His criminal history category is VI, the highest level recognized in the United States Sentencing Guidelines. He also has a history of substance abuse and attended inpatient and outpatient treatment.

In support of his Motion, counsel notes defendant paid his restitution obligation (\$67,374.61) and is in compliance with the other conditions of release. However, there is a written reprimand.

Among the reasons expressed for early termination, he lives in a house in Maple Shade, New Jersey, owned by his father who wants to sell the house. It's not clear how that works a hardship on defendant who presumably can live elsewhere. He also states he is engaged to a woman living in Saratoga, California. And he was offered a job with a financial firm in Los Gatos, California.

In the alternative, he asks that his supervision be transferred to California. The government has not taken any position on this Motion.

None of these reasons are sufficient to terminate his supervised release. There is nothing extraordinary about his compliance. All persons on supervised release are expected to comply with the terms and conditions of release.

Frankly, given his record, Juliano remains a danger to the community. There is a real risk he will commit further crimes. He has been on probation and supervised release before. He violated the supervised release and went back to prison. Obviously, prior attempts to alter his behavior failed.

Accordingly, the Motion to Terminate Supervised Release is **denied**. As to transfer of supervision to California, defendant should initiate that process with United States Probation in New Jersey.

An appropriate Order will enter.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge

Dated: October 7, 2010